

DOCKET NO: 216379US26

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
HIROSHI SUGIURA, ET AL. : EXAMINER: MARTIN, A.  
SERIAL NO: 09/990,264 :  
FILED: NOVEMBER 23, 2001 : GROUP ART UNIT: 1745  
FOR: FUEL CELL OUTPUT :  
CHARACTERISTIC ESTIMATION  
APPARATUS AND OUTPUT  
CHARACTERISTIC ESTIMATION  
METHOD, FUEL CELL SYSTEM AND  
VEHICLE HAVING THE SAME, AND  
FUEL CELL OUTPUT CONTROL  
METHOD AND DATA STORAGE  
MEDIUM

REQUEST TO RESET REJECTION DUE DATE BASED ON FAILURE TO RECEIVE  
OFFICE ACTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants, through Counsel of record respectfully request that the rejection due date for the above-identified application be reset to August 29, 2007 due to the fact that the Office Action was not received by Applicant's Attorney.

The facts concerning this matter are as follows:

A rejection was issued by the U.S. Patent and Trademark Office on March 23, 2007 and was never downloaded by our docketing department. Our docketing department maintains copies of all PAIR e-mail notifications (copy attached for March 23, 24, and 26) and records exactly what they are downloading next to the serial number. On August 23, 2007, our docketing department checked our e-mail notification list and no rejection

Application No. 09/990,264  
Inventor: HIROSHI SUGIURA, ET AL.

available in the IFW on that day. However, PAIR now shows that the rejection was mailed on March 23, 2007. Any due dates resulting from the Patent Office are entered into the computer.


It is believed that the above discussion and documents enclosed herewith clearly prove that the rejection was never e-mailed on March 23, 2007.

Accordingly, it is requested that the Office Action due dated be reset.

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Steven P. Weihrouch  
Attorney of Record  
Registration No. 32,829

Customer Number  
**22850**

Tel: (703) 413-3000  
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(OSMMN 08/07)

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## Jane Braumann

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**From:** PAIR\_eOfficeAction@uspto.gov  
**Sent:** Friday, March 23, 2007 5:53 AM  
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Mar 23, 2007 05:46:24 AM

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Application Attorney Docket No.

10020015	282667US8X
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Application Attorney Docket No.

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Application Attorney Docket No.

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